

land uses and current zoning.

- (2) A copy of the subdivision plat, deed, and/or memorandum of lease for the tower site; provided however, the Building Inspector may require a copy of the lease agreement if necessary to verify compliance with this ordinance.
- (3) A plan drawn to scale showing proposed landscaping, if required, including species type, size, and spacing.
- (4) A report from a registered professional engineer indicating tower height and design, structure, installation, and total number and types of antennas that could be accommodated.
- (5) A notarized letter signed by both the owner and a registered professional engineer stating that the tower complies with all EIA/TIA-222-E Standards, as amended.
- (6) A signed affidavit from the applicant verifying the inability to locate the proposed antennas on existing towers or other structures accompanied by supporting documentation as specified in Section 73.20.16 - Co-Location.
- (7) A letter of intent stating whether the applicant intends to lease space on the tower to other potential users at reasonable rates and on reasonable terms. The letter shall commit the tower owner and successors in interest to:
 - (a) Negotiate in good faith for shared use by third parties.
 - (b) Allow shared use if an applicant agrees in writing to pay reasonable rental charges or other consideration.
 - (c) Make no more than a reasonable charge for shared use based on generally accepted industry standards and

- (8) Documentation demonstrating that the proposed site is required to serve the company's planned network or coverage in the city.
- (9) A notarized statement signed by the applicant that the tower facility will conform with applicable FCC standards for radio frequency emissions and copies of any federally required studies or measurements of radio frequency emissions.
- (10) If federal regulations require an Environmental Assessment, then a copy of the EA shall be submitted as part of the application.
- (11) Documentation demonstrating the amount of liability insurance to be carried by the owner on the proposed tower.
- (12) The FCC assigned frequency for the licensed service, and a copy of all permits, approvals, or licenses issued by the FCC or the FAA in connection with the proposed tower.
- (13) The Building Inspector shall act upon any application for authorization to place, construct or modify any personal wireless service facility within a reasonable period of time after the application and all required supporting documentation is duly filed, taking into account the nature and scope of such application.

A decision by the Building Inspector to grant or deny an application to place, construct, or modify any personal wireless service facility shall be in writing and supported by substantial evidence contained in the record.

Section 5. Amend ARTICLE 74 - NON-CONFORMING LOTS; NON-CONFORMING USES OF LAND; NON-CONFORMING STRUCTURES; AND NON-CONFORMING USES OF STRUCTURES AND PREMISES, by adding new Section 74.8 - Telecommunications Towers Inventory to read as follows:

74.8 - Telecommunications Towers Inventory

The owner of each telecommunications tower erected within the Huntsville, Alabama, corporate limits prior to adoption of this amendment to the Zoning Ordinance shall submit the following information to the City of Huntsville Building Inspector within six months of the date of adoption of this amendment. Failure to comply with this inventory shall be a violation of the Zoning Ordinance.

- 74.8.1 Name, address and telephone number of tower owner.
- 74.8.2 Location of the tower by street address and legal description.
- 74.8.3 Date of construction of tower.
- 74.8.4 Height of tower from natural grade to the highest point whether of the tower or of an antenna, and the elevation of each existing antenna or array of antennas.
- 74.8.5 Names of all users having co-located antennas on the tower.
- 74.8.6 Copies of all federal approvals, permits and licenses for the tower.
- 74.8.7 Approval dates for any variances or special exceptions granted for the tower or its accessory structure.

Section 6. Amend ARTICLE 92 - BOARD OF ADJUSTMENT, Section 92.5.3 - Permitted Uses as Special Exceptions, by amending Subsection (9) to read as follows:

- (9) Towers intended to support personal wireless service antennas in any residential district; approval shall be subject to the conditions contained in Sections 73.20.4 - Lighting, 73.20.5 - Tower Color, 73.20.6 - Site Security, 73.20.8 - Structural Design of Towers, 73.20.9 - Signs, 73.20.10 - Access, 73.20.11 - Landscaping, 73.20.16 - Co-Location, and 73.20.17 - Building Permits for Towers of this ordinance, and to the following conditions:
 - (a) Towers must be monopoles and must be designed to implode under stress; antennas used must be of the least visually obtrusive design available at the time of application.

- (b) A signed affidavit from the applicant verifying the inability to locate the proposed antennas on existing towers or other structures accompanied by supporting documentation as specified in Section 73.20.16 - Co-Location, and including substantial evidence that the tower cannot, by technical necessity, feasibly be located in a non-residential district.
- (c) Any new tower permitted must be designed to accommodate personal wireless service antennas for at least one additional user for a reasonable fee if technically feasible.
- (d) Accessory facilities shall be fully automated and shall not include offices, vehicle storage, outdoor storage, or broadcast studios.
- (e) Tower heights shall not exceed one hundred (100) feet.
- (f) Setbacks for towers shall be at least fifty feet (50') from all lot lines, and setbacks for accessory structures shall be a minimum of twenty (20) feet from all lot lines or as required for primary structures in the district if greater.
- (g) Towers shall not be permitted within the boundaries of any historic district listed on the National Register nor shall towers be located on the same lot with a residential structure.
- (h) Accessory buildings and security fences or walls shall be constructed so as to be compatible with the surrounding residential neighborhood by virtue of their design, materials, textures, and colors.
- (i) New towers permitted on mountain tops or slopes should be clustered with existing towers, if any, to the extent that such location is technically feasible and safe as well as aesthetically, environmentally and visually compatible.
- (j) The Board of Adjustment shall act upon any application for authorization to place,

construct or modify any personal wireless service facility, whether for a special exception or a variance, within a reasonable period of time after the application and all required supporting documentation is duly filed, taking into account the nature and scope of such application.

Any decision by the Board of Adjustment to grant or deny an application to place, construct, or modify any personal wireless service facility, whether for a special exception or a variance, shall be in writing and supported by substantial evidence contained in the record.

and adding new Subsections (20) and (21) to read as follows:

- (20) AM radio broadcast towers, towers for mobile or fixed point radio antennas, and any other telecommunications towers not otherwise covered by Section 73.20.1 - Applicability that will not be designed, constructed, and available to accommodate multiple users for a proposed location in any non-residential district. Approval shall be subject to:
- (a) Submittal of scaled site plans and other supporting drawings and documents sufficient to demonstrate compliance with the provisions of Section 73.20 hereof.
 - (b) Written documentation by the applicant demonstrating why installation of a single user tower would better serve the goals of the Zoning Ordinance than would a tower designed to accommodate multiple users.
 - (c) The Board of Adjustment shall act upon any application for authorization to place, construct or modify any personal wireless service facility, whether for a special exception or a variance, within a reasonable period of time after the application and all required supporting documentation is duly filed, taking into account the nature and scope of such application.

Any decision by the Board of Adjustment to grant or deny an application to place, construct, or modify any personal wireless

service facility, whether for a special exception or a variance, shall be in writing and supported by substantial evidence contained in the record.

- (21) Broadcast towers supporting one or more UHF or VHF television or FM radio broadcast or other similar broadcast antenna in any district; approval shall be subject to the provisions of Sections 73.20.6 - Security, 73.20.8 - Structural Design, 73.20.9 - Signs, 73.20.10 - Access, 73.20.11 - Landscaping, 73.20.16 - Co-Location, and 73.20.17 Building Permits of this ordinance and to the following conditions:

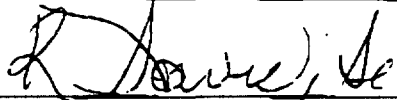
- (a) Because it is the intent of this ordinance to minimize the number of towers and their visual impact on the city, any new television tower that is permitted shall be capable of supporting at a minimum two UHF antennas and one FM antenna in addition to other radio service antennas and microwave dishes.
- (b) If a new tower is approved for a currently operating television licensee, then the existing tower must be removed and any antennas on the existing tower transferred to the newly permitted tower or to other existing towers. There should never be more television towers in the city than there are television licensees, and it is the intent of this ordinance that the number of television towers should decrease over time as licensees co-locate on new towers.
- (c) Setbacks for broadcast towers shall be the greater of 25% of tower height (including antennas) or the longest distance between the perimeter of the tower base and a guy anchor plus a fifteen-foot (15') setback from any lot line for each guy anchor.
- (d) Broadcast towers must be located so that in the event of tower or structure failure, the tower cannot strike another tower or tower support structure.
- (e) Applications to locate broadcast towers in residential districts must contain written documentation demonstrating why it is essential for the tower to be so located

accompanied by evidence that the tower cannot be located in a non-residential district.

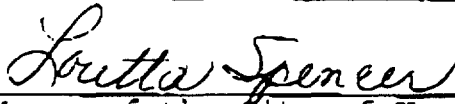
- (f) Tower lighting shall be the minimum required to comply with federal regulations, and tower height shall be the minimum necessary to serve the licensed area.

Section 7. These amendments to the Zoning Ordinance of the City of Huntsville, Alabama, shall take effect from and after the date of their publication.

ADOPTED this the 23rd day of January, 1997


President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 23rd day of January, 1997


Mayor of the City of Huntsville,
Alabama